

# **SYLLABUS**

**B.A. LL.B./B.B.A. LL.B. (FIDC)  
(Five Year Course in Law)  
Annual System Examination in Law  
Fifth Year (Final Year)  
2014-15**



**JAI NARAIN VYAS UNIVERSITY  
JODHPUR**

## **IMPORTANT**

With a view to bring about greater reliability, validity and objectivity in the examination system and also for closer integration of teaching, learning and evaluation.

- (i) The syllabus has been divided into units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portion of the syllabus, examiners shall be free to repeat the questions set in the previous examinations.

[Ref. Resolution No. 21 (c) of Academic Council dated 9-2-84]

The examinees be permitted to use their personal transistorised pocket battery operated calculators in the examinations. The calculator to be used by the candidates in the examinations should not have more than 12 digits, 6 functions and 2 memories and should be noiseless and cordless. A calculator belonging to one candidate shall not be allowed to be used by another candidate. The Superintendent of the centre will have complete discretion to disallow the use of a calculator which does not conform to the above specification.

[Ref. Res. No. 6/90 of Academic Council dated 20th July, 1990]

In Engineering and any other examinations where the use of calculators is already permitted, it shall remain undisturbed.

## **NOTIFICATION**

In compliance of decision of the Hon'ble High Court all students are required to fulfil 75% attendance rule in each subject and there must be 75% attendance of the student before he/she could be permitted to appear in the examination.

**REGISTRAR**  
(Academic)

**FACULTY OF LAW  
LIST OF TEACHING STAFF**

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<b>S.No.</b>	<b>Name</b>	<b>Designation</b>	<b>Qualification</b>
1.	Prof. Rajiv Kumar Sinha	Head & Dean	LL.M., Ph.D.
2.	Prof. Mahesh Mathur	Professor	LL.M., Ph.D.
3.	Prof. (Miss) Chandan Bala	Professor	LL.M., Ph.D.
4.	Prof. V.K. Sharma	Professor	LL.M., Ph.D.
5.	Dr. Sunil Asopa	Associate Professor	LL.M., Ph.D.
6.	Dr. M. Tariq	Associate Professor	LL.M., Ph.D.
7.	Dr. V.K. Bagoria	Assistant Professor	LL.M., Ph.D.
8.	Dr. S.P. Meena	Assistant Professor	LL.M., DCLL, Ph.D.
9.	Dr. Nidhi Sandal	Assistant Professor	LL.M., Ph.D.
10.	Dr. Dalpat Singh	Assistant Professor	LL.M., Ph.D.
11.	Sh. P.K. Musha	Assistant Professor	LL.M.
12.	Dr. Kuchata Ram	Assistant Professor	LL.M.
13.	Sh. Vinod Kumar Meena	Assistant Professor	LL.M.

**B.A. LL.B/BBA LL.B.-V YEAR**  
**PAPER I**  
**PROPERTY LAW AND EASEMENT**

- Note: (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1 : Preliminary: Definition, Essentials of Transfer, Competence of parties, subject matter of transfer, transfer to unborn person, registration of transfer, etc., General Rules of Transfer: (a) Restraints on alienation absolute or partial, Restraints on free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates, - Doctrine of acceleration  
Accumulation of income, exceptions, Covenants and Transfers. General Rules of Transfer (b) Conditional transfer: Condition precedent, condition subsequent; vested and contingent interest

Unit 2 : Election, Priority of rights, Notice, Implied transfers by limited owners, transfer of property out of which maintenance claims have to be met, ownership by holding out, ownership by estoppel, feeding the grant by estoppel. Doctrine of Part-performance (Ss. 35-53 A) Sale of immovable property (Ss. 54 to 57)

Unit 3 : Mortgage and Charge : Kinds of mortgage, Rights and liabilities of Mortgage and mortgagee, Priority, marshalling, contribution and subrogation

Unit 4 : Exchange, Lease, Gift, Actionable claims

Unit 5: Easements : Essentials of Easements, Imposition, Acquisition, Incidents, Disturbance, Extinction, Suspension and Revival of Easement, Licence Difference between lease and licences

**LEADING CASES**

	<b>Unit No.</b>
1. J.N. Rao v. Vassavarrappa, AIR 1956 SC 727	2
2. Gokal Dass Gopal Dass v. Premsukha Dass, ILR 10 Cal 1035 (PC)	3
3. Ram Kumar Koondoo and others v. John and Maria Mequeen, (1872) II Bang LR 46 (PC) XXII A Vol. Supp 40 (1872-73)	4
4. Webb v. Macpherson, ILR 31 Cal 57 (PC)	3
5. Associated Hostels of India Ltd. v. R.N. Kapoor AIR 1956 SC 1262	3
6. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kuer, AIR 1953 SC 7	1
7. Chunchun Jha v. Sekh Ebadat Ali and other, AIR 1954 SC 345	3

8. Mohammed Sher Khan v. Raja seth Swami Dayal ILR  
44A11. 185

3

### **BOOKS RECOMMENDED**

The Transfer of Property Act (Act IV of 1882) as amended upto date Mulla :

Transfer of Property Act

Joshi : The Indian Easements Act (Act V of 1882)

Menon, A.D. : The Law of Property

Sarathi, V.P. : Law of Transfer of Property

Shukla, S.N. : Transfer of Property Act

Saxena, LC. : Transfer of Property Act

## **PAPER II**

### **CIVIL PROCEDURE CODE AND LAW OF LIMITATION**

- Note: (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice  
(ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.  
(iii) Leading cases prescribed under the paper may be read under the respective unit No. shown against each case.

Unit 1 : Definitions, suits in general, suits of civil nature, Res judicata, Res subjudice, Foreign Judgment

Unit 2 : Place of trial, Transfer of suits, Joinder, non-joinder and mis-joinder of parties and causes of action, Service of Summons, Attachment before judgment, Arrest before Judgment.

Unit 3 : Execution in general : Courts by which decrees may be executed, powers of the court executing the decrees. Transfer of decrees for execution and modes of execution, Stay of execution, Suits in particular cases (Orders xxix to xxxiii). Abatement of suits

Unit 4 : Temporary injunction and Appointment of Receiver, Appeals-Appeals against order and appeal against decree, Review. Revision and Reference

Unit 5 : The Limitation Act, 1963 (Omitting the Schedule) Definitions : Applicant, bond, Defendant, easement, good faith, plaintiff, period of limitation  
Relationship between limitation, laches, acquiescence, estoppel and res judicata;  
Limitation of suits, appeals and applications, disability, computation of period of limitation, acknowledgement and part payment, acquisition of ownership by prescription

### **LEADING CASES**

	<b>Unit No.</b>
1. Sulochana Amma v. Narayanan, Nair AIR 1994 SC 15	1
2. Vidhyacharan Shukla v. Khubchand, AIR 1964 SC 1099	5
3. Cihanshyamdas v. Anant Kumar, AIR 1991 SC 2251	3
4. Lakshmiratan Engg. Works v. Asstt. Commissioner of Sales Tax .AIR 1968 SC 488	1

### **BOOKS RECOMMENDED**

Mulla : The Code of Civil Procedure, Student Edition, The Arbitration and Conciliation Act, 1996  
Subbarao, GVC. : Law of Specific Relief

## **PAPER III ENVIRONMENT PROTECTION AND LAW**

- Note: (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.  
(ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.  
(iii) Leading cases prescribed under the paper may be read under the respective unit No. shown against each case.

Unit 1 : Environmental Pollution-Meaning, definition and kinds, sources and causes of environmental pollution, Effects of environment degradation, Historical background of environmental legislation, Environmental education, management policy and programme

Unit 2 : General Law applicable to environmental violations:

(a) Civil Law-The Constitutional Law of India-Preamble, Articles 21, 48-A and 51-A(g), The Code of Civil Procedure-Section 9 and Order 39, Rule 1 to 5 Law relating to nuisance, trespass, negligence, strict liability reparation rights and prior appropriation.

(b) Penal Law-The Indian Penal Code, 1860-Sections 268, 277, 278, 304A, 336, 338, 425-428 and 430-432, The Code of Criminal Procedure, 1973, Sections 133 and 144; The Police Act-Sections 30, 32,34 and 363

Unit 3 : The Water (Prevention and Control of Pollution) Act, 1974 The Air (Prevention and Control of Pollution) Act, 1981

Unit 4 : The Environment (Protection) Act, 1986  
Aims and Objects; Definition; General powers of the Central Government  
Prevention, Control and abatement of Environmental Pollution; Standards for Commission or discharge of pollutants

Unit 5 : Protection of Natural Resources  
The Wild Life (Protection) Act, 1972 and The Forest Conservation Act, 1984  
Public Interest Litigation judicial activism pertaining to environmental pollution

## LEADING CASES

## Unit No.

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|--|---|
| 1. Rural Litigation and Entitlement Kendra<br>Dehradun v. State of U.P., AIR 1985 SC 652 | 5 |
| 2. M.C. Mehta v. Union of India (1986) 2 SCC 176   | 3 |
| 3. M.C. Mehta v. Union of India AIR 1988 SC 1115   | 3 |

## BOOKS RECOMMENDED

VR. Krishna Iyer : Environmental Pollution and the Law  
Lall's Commentaries on Water and Air Pollution Laws  
Suresh Jain and Vimal Jain : Environmental Laws in India  
Citizen Report, Published by the Centre for Science and Environment, New Delhi  
Marudhar Mridul : Public Interest Litigation- A Profile  
The Water (Prevention and Control of Pollution) Act, 1974.  
The Air (Prevention and Control of Pollution) Act, 1981  
The Environment (Protection) Act, 1986  
The Wild Life (Protection) Act, 1972 The Police Act, 1861  
The Insecticide Act, 1961  
The Motor Vehicles Act, 1988 The Income Tax Act, 1961  
The Public Liability Insurance Act, 1968  
The Forest Conservation Act, 1980  
Paras Diwan : Law and Environment  
ILI Publication Editor Dr. S.N. Jain : Seminar Proceedings of Environment Protection Law  
Rahimatulla Khan: Law, Science and Environment  
M.C.J., Kagzi (Editor) : Environmental Pollution and Law, Published by University Studies in Law, Jaipur  
The Code of Civil Procedure, 1908  
The Code of Criminal Procedure, 1973  
The Indian Penal Code, 1860

## PAPER IV ARBITRATION, CONCILIATION AND ALTERNATIVE MECHANISM/COMPETITION ACT

- Note: (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1: Arbitration and Conciliation Act, 1996 : General provisions: Arbitration agreement; Arbitral Tribunal : Composition and Jurisdiction; Conduct of Arbitral Proceeding.

Unit 2: Arbitral awards: Termination of proceedings, setting aside the Arbitral award; Enforcement of Arbitral awards, Appeals; Code of ethics for Arbitrators.

Unit 3: Enforcement of Foreign-awards; Geneva convention International arbitration institutions

Unit 4: Conciliation : Conciliators, Procedure of Conciliation; Role of conciliator settlement Agreement; Termination of conciliation proceedings; Resort to arbitral and Judicial proceedings Negotiation and Conciliation Skills.

Unit 5: Alternate Dispute Settlement system for Multinational Corporations, Indian Council of Arbitration : Recognition of its arbitration services; Settlement through Lok Adalats, Competition Act

### **SUGGESTED READINGS**

The Arbitration and Conciliation Act, 1996

Baxi, P.M. : Arbitration Law

Avtar Singh : Law of Arbitration and Conciliation Publication of Indian Arbitration, New Delhi  
Competition Act.

## **PAPER V DRAFTING, PLEADING AND CONVEYANCING**

- Note: (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portions of the syllabus. examiners shall be free to repeat the questions set in the previous examination.
- (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Total : 50 Marks

- (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portions of the syllabus. examiners shall be free to repeat the questions set in the previous examination.
- (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1 : Pleading : Meaning, Kinds; Fundamental principles of pleading and their exceptions, amendment of pleadings, alternate and inconsistent pleadings  
Doctrine of set-off: Legal set-off and equitable set-off

Unit 2 : Drafting of pleadings and Judgement writing



Unit 3 : Conveyancing : Meaning, General Rules of Conveyancing, Salient parts of conveyancing, rules relating to their drafting

Unit 4 : Drafting of Deeds : Partnership deed, mortgage by conditional sale, notice for eviction, writing of government contract

Unit 5 : Registration Act, Court Fee Act & Law relating to Suit Valuation.

## **PAPER VI**

### **TRADE LAW INCLUDING INTERNATIONAL TRADE LAWS**

#### (1) International Economic Laws

- (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

#### Unit 1 : 1. Historical perspectives

United Nations: GATT, Evolution of New International Economic Order (NIEO), Essential components of NIEO, State acceptance and practice of NIEO principles.

#### 2. Charter of Economic Rights and Duties

Sovereignty over wealth and natural resources, TNCS, Foreign investment, Transfer of technology, Elimination of colonisation, apartheid, racial discrimination, Extension of tariff preferences, Most favoured nation treatment, North-south gap widened or narrowed.

#### Unit 2 : 1. Institutions

UNCTAD (United Nations Conference on trade and Development), UNCITRAL, GATT, Objectives, Strengths and weaknesses, Salient features of GATT 1994 (Final Act of Uruguay Round)

#### 2. WTO

Structure, principles and working, Difference between GATT and WTO, Problems : Agriculture, Sanitary and phyto sanitary measures (SPS), Technical barriers of trade (TBT), Textiles and clothing, Anti-dumping, Customs valuation, Services, TRIPS, TRIMS, Disputes settlement, Labour, Transfer of technology, Trade facilitation, E-Commerce, Information and technology agreement, Special permission for

developing and less developed countries, Trade and development committee, Balance of payment provisions in WTO, India and WTO.

- Unit 3 :
1. Trade in Goods
  2. Trade related investment measures (TRIMS)  
Relationships with GATT, Inalienable rights of member countries.
  3. General Agreements on Trade in Services (GATS)  
Principle: non-discrimination, Benefits to India.
  4. Trade Related Intellectual Property Rights (TRIPS)  
Structure, Principles, Minimum Standards, Copy rights and related rights, Trade marks, Geographical indications, industrial designs, Patents, Undisclosed information, Anti competitive practice, Enforcement of IPR, Transparency, New issues.
- Unit 4 :
1. Dispute settlement  
Judicial system: Dispute Settlement Board (DSB), Elements of the system, Prompt settlement, Balancing of rights and obligations, Objective of satisfactory settlements, Outcomes, Withdrawal of the measure – violation of WTO, Continuation of the measure with compensation for the loss suffered by the affected country, Continuation of the measures with retaliation by the affected country to make good the loss suffered by the affected country, Special steps of DSB ad WTO Secretaries for developing countries, Process of settlement by DSB.
  2. International Monetary Fund  
Structure and functions, Concept of par value systems, Currency convertibility, Breakdown of par value system, Re-structuring of IMF.
- Unit 5 :
1. International Bank for Reconstruction and Development  
Structure and functions, International financial co-operation, International development association, Lending by World Bank
  2. Regional Development Banks  
Structure and functions, Asian Development Bank, Inter American Development Bank, Banking in relation to European Union.
  3. Sustainable Development  
The concept, Stockholm to Rio: developments of the concept, Right to development, Basic concept, State acceptance and practice, UNCED (UN Commission on Environment and Development) report, Principles, Rio principles related to sustainable developments.

**BOOKS RECOMMENDED:**

Bandari Surendra, World Trade Organization and Developing Countries (1995), Universal, Delhi  
Myneni Srinivasa Rao, International Economic Law (1996), Pioneer Books, New Delhi.

Arun Goyal (ed.), WTO in the new Millennium (2000), Academy of Business Studies, New Delhi-110002

Schwarzenberger, Economic World Order (1970 Manchester University Press.

Jayanta Bagchi, World Trade Organization : An Indian Perspective (2000), Eastern Law House, Calcutta.

J.G. Starke, Introduction to International Law (1989) Butterworths

UNCED, Our Common Future (1986), Oxford.

## **PAPER VII (A)**

### **LAW RELATING TO CHILD, WOMEN AND GENDER JUSTICE**

- (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1 : 1. International concerns and conventions

3. Women in India

Pre-independence period, Social and legal inequality, Social Reform, Movement in India, Karachi Congress – Fundamental Rights Resolution, Equality of Sexes.

4. Women in post independence India

Preamble of the Constitution : equality provisions in Fundamental Rights and Directive Principles of State Policy, Personal laws – unequal position of women, Uniform Civil Code towards gender justice.

Unit 2 : 1. Sex Inequality in inheritance Rights

Feudal institution of joint family – women's inheritance position, Hindu Law, Muslim Law, Matrimonial property, Movement towards Uniform Civil Code.

2. Guardianship

Right of women to adopt a child, Problems of women guardianing.

3. Divorce  
Indian, Divorce Act, Christian Law, Muslim Law
4. Criminal Law  
Adultery, Rape
5. Social Legislation  
Dowry Prohibition, Prevention of immoral traffic.

Unit 3 :

1. Women participation in democratic government  
Parliament, State Legislation, Local bodies
2. Women and Employment  
Labour force, Protective Laws, Exploitation and harassment in workplaces
3. Protection and enforcement agencies  
Courts, Family courts, Commission for women, NGOs.
4. Social Constitutional and International Legal Status of Child  
  
Magnitude of the problem, Special Status of Child – national policies, Constitutional concern – Article 15(3), Article 24 and Article 45, International concern and endeavour for the welfare of the children, Minimum Age conventions, Child rights conventions, U.N. Declaration of the rights of the child 1924, 1959.

Unit 4 : 1. Problems of conception, birth and nourishment and health of the child

Legal status of child in work, Tortious liability against injuries to unborn children, Coparcenary and property rights of the unborn children, Law relating to maternity benefit and relief, Lack of legal protection of children of impoverished parentage

2. State responsibility for the education of children

Evaluation of the efforts of the State towards the provision of education to children, Pre-primary and nursery education – elementary education, Contributions by International Organizations for elementary education – UNESCO, UNICEF.

3. Legal Control of Child Labour

Regulation of the employment: protection of the health and well-being, International conventions and recommendations of the ILO, Recommendations of the National Commission of Labour, Legislation relating to factories, plantation labour, mines, merchant shipping,

motor transport workers, apprentices, shop & establishments and child labour.

#### 4. Family Relations and Child

The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody, Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872.

#### Unit 5 : 1. Child and Contractual Liability

Minors Agreements, Testimony of children, Suits by and against minors.

#### 2. Child and Criminal Liability

Crimes committed by child; crimes committed by others in relation to children; implementation of social policy through criminal sanctions in relation to child; Variation of procedure in case of child offender; Judicial proceedings in criminal cases relating to children; Statutory provisions – Sections 82, 83, 299 Exp. 3, 363A, 372 and 376 of IPC – Suppression of Immoral Traffic Act 1956 (SITA) – penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978 – Young Persons Harmful Publications Act 1956 – The Children Act 1960 – Section; 27 of the Cr. P.C. – Reformatory Schools Act 1897 – Juvenile Delinquency Act 1986.

#### 3. Law and Offences Against Child

Protection of neglected children, Institutions for the protection of neglected children; Juvenile Justice Act; Juvenile delinquency : law and offences against child, Contribution by parents, licensing; Protection of girls from immoral traffic; Prevention of vagrancy and beggary.

#### 4. Discrimination Against Female Children

Amniocentesis, Deferred infanticide through based nutritional discrimination, Termination of pregnancy.

### **BOOKS RECOMMENDED**

Gandhi to the Women (ed. Hingorani) 1941, Position of Women, 12 Tean Down the Purdah p. 213, Young India 1918.

Jawaharlal Nehru thoughts on women-economic bondage of Indian women (Produced Memorial and Library)

7th Plan. Ch. 14 Socio economic programmes for women.

Relevant case Law

Revasia & Revasia, Women Social Justice & Human Rights (1998) PP.H. Publishing, New Delhi

Ajnes, Flavia, Law as Gender inequality, N. Delhi, Oxford (1999)

Sumithra Vashnu V. Union of India 1985 SC 1618

42nd Report Law Commission, the Dissenting Note of Justice Anna Chandy on provision of adultery, p. 366.

Towards Equality – Report of the Committee on the Status of Women (Govt. of India), Chapters IV & Section IV General Conclusions & Recommendations.

Balram – Women workers the labour legislation in India 1984 (2) I.L.J. 1527.

Lotika Sarkar, The Law Commission of India (1988)

Indian Law Institute, Child and the Law (1979, S.N. Jain ed.)

U.Baxi, Law and Poverty : Critical Essay (1988), Eastern, Lucknow.

**OR**

## **PAPER VII (B)**

### **LAND LAWS INCLUDING LAND ACQUISITION ACT**

- Note:
- (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
  - (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

THE RAJASTHAN TENANCY ACT, 1955

Unit 1: Preliminary Objects and Reasons

Definitions (S.5) : Agricultural year, Grove holder Grove Land, Improvement, Land, Tenant, Trespasser, Classes of Tenants, (S.14, 15, 17, 17-a) Lands on which Khatadari Rights do not accrue (S. 16), Primary Rights of tenants (Ss. 31 to 37)

Devolution of tenancies, Transfer of tenancies, Exchange of tenancies, Surrender. Abandonment and extinction of tenancies, improvement and trees (Ss. 38 to 87) Groveholders (Ss. 194 to 205)

Unit 2 : Grounds for Ejectment of tenants and Remedies for Wrongful ejectment (Ss. 169 to 188), Provision for injunction and appointment of Receiver (S. 212), Procedure and Jurisdiction of Courts (Ss. 216 to 221), Appeal, Review, Revision, Reference (Ss. 222 to 232), Question of tenancy right in Civil Courts (S. 242) Conflict of Jurisdiction (S. 243)

#### THE RAJASTHAN LAND REVENUE ACT, 1956

Unit 3: The Board of Revenue (Ss. 4 to 14), Revenue Courts and Officers (Ss. 15 to 36), Appeal, Reference, Revision and Review (Ss. 74 to 87); Land : use of Agricultural Land for Non-Agricultural purposes (s. 90-A), unauthorised Occupation of Land (S. 91), Allotment of Land for Agricultural purpose (S. 101), Survey and Record operations: General (Ss. 106 to 109) Boundary Marks (Ss. 110 to 111) Maps and Field Books (S. 112)

Unit 4: Record of Rights (Ss. 113 to 121) Mutations (Ss. 122 to 137). Settlement operation: General (Ss. 142 to 146), Economic Survey (S. 148) Formation of Assessment Circles (S. 149), Soil classification (S. 150), Evolution and Modification of rent rates, preparation of rent rate reports. its submission and finalisation (Ss. 151 to 167), Tenants option to refuse rent determined and its effect (Ss. 168 to 172), Preparation of Dastoor Ganwai (Ss. 173 to 174), Term of settlement (Ss. 175 to 177), Processes for Recovery of Revenue (S. 228), Writ of demand and citation to appear (Ss. 229 and 229-A), Attachment and Sale of movable property (S. 230), Attachment of the Land (Ss. 231 to 233), Sale of defaulters specific Area, Path or estate (Ss. 235 to 253)

#### RAJASTHAN RENT CONTROL ACT, 2001 & LAND ACQUISITION ACT

Unit 5: Definition, Application, Revision of rent, Determination of rent, eviction of tenant, right of land lord, restriction of possession to illegally evicted tenant, constitution, powers, Jurisdiction of Rent Tribunal, Appellate Rent Tribunal, Amenities. Land Acquisition Act.

#### LEADING CASES

	Unit No.
1. Prabhu v. Ramdeo, AIR 1966 SC 172	1
2. Surajmal v. The State, 1959 RRD 174	4
3. kanakmal v. Kanhaiya Lal, 1966 RLW 179	1
4. Bohra v. Ganesh, 1966 RRd 71 (FB) 1966 RLW	1
5. Yasin Shah v. Munir Shah, 1967 RRD 37	1
6. Mangilal v. Chhotu, 1967 RRD443	3
7. Smt.Hulashi v. Ramlal, 1976 RRD 88	4

#### BOOKS RECOMMENDED

Shivlal Gupta : The Rajasthan Tenancy Act  
S.K. Dutt : Tenancy Law in Rajasthan  
S.K. Dutt : Rajasthan Land Revenue Act

Suresh Chand H. Mathur : Law of Tenancy in Rajasthan  
S.K. Dutt: Rent Control in Rajasthan

## PAPER VIII

### **BANKING LAW AND NEGOTIABLE INSTRUMENT ACT**

- (i) The syllabus has been divided into five units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1 : 1. Introduction :

Banking: definition-common law and statutory, Commercial banks: functions, Essential functions, Agency services, General utility services, International trading service, Information services, Emergence of multi functional dimensions, Systems of Banking : Unit banking, branch banking, group banking and chain banking, Banking companies in India.

2. Banks and Customers :

Customer: Meaning, Legal character of banker-customer relationship, Rights and obligations of banks, Right of set-off, Banker's lien, Right to charge interest and commission, Obligation to honour customers' cheques, Duty of confidentiality, Nature and justification of the duty, Exceptions to the duty, Garnishee orders, Accounts of customers, Current Accounts, Deposit Accounts, Joint Accounts, Trust Accounts, special types of customers:-Lunatics, minors, agents, administrators and executors, partnership firms and companies.

Unit 2 : 1. Control over Banks

Control by Government and its agencies, Need for – elimination of systemic risk, avoidance money laundering, consumer protection, promotion of fair competition on management, On account and audit, On money lending, Reorganization and reconstruction, On suspension and winding up, Control by Ombudsman, RBI.

2. Control Banking Theory and the RBI

Evolution of Central Banks, Characteristics and functions of central banks, Central bank as banker and adviser of the State, Central bank as banker's bank, the Reserve Bank of India as central bank in India,



Objectives and organizational structure, Functions, Regulations of the monetary system, Monopoly of note issue, Credit control, Determination of bank rate policy, Open market operations, Banker to government, Control over Non-banking financial institutions, economic and statistical research, Staff training, Control and supervision of other banks.

Unit 3 : Lending by Banks

Principles of good lending, Securities for bank advances, pledge, mortgage, charge, goods or documents of title to goods, life insurance policies as security, debentures as security, guarantees as security, contract of guarantee and contract of indemnity, kinds of guarantees: specific & continuing surety's rights and liabilities, Repayment, Interest: Rule against penalties, Default and Recovery, Recovery of Debts Due to Banks and Financial Institutions Act 1993, Establishment of; debt recovery tribunals-constitution and functioning.

Unit 4 : 1. Merchant Banking

Merchant Banking in India, SEBI (Merchant Bankers) Regulations, 1992.

2. Letter of Credit and Demand Guarantee

Letter of Credit, Basic features, Parties to a letter of credit, Fundamental principles, Demand Guarantee, Legal character, Distinction between irrevocable letter of credit and demand guarantees.

Unit 5 : Law Relating to Negotiable Instruments

Negotiable instruments kinds, Holder and Holder in due course, Parties, Negotiation, Presentment, Discharge from liability, Dishonour, Civil liability, Liability: procedure for prosecution: extent of penalty, The Paying Banker, Duty to honour customers' cheques, Conditions, Exceptions to the duty to honour cheques, Money paid by mistake, The Collecting Banker, Liability for conversion, Duties, Good faith and statutory protection to the collecting banker.

**BOOKS RECOMMENDED:**

M.S. Parthasarathy (Ed.), Kherganvala on the Negotiable Instruments Act (1998) Buterworth, New Delhi.

M.L. Tannen, Tannen's Banking law and Practice in India, (2000) India Law House, New Delhi.

S.N. Gupta, The Banking Law in Theory and Practice, (1999) Universal, New Delhi.

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